MAINE STATE LEGISLATURE

The following document is provided by the LAW AND LEGISLATIVE DIGITAL LIBRARY at the Maine State Law and Legislative Reference Library http://legislature.maine.gov/lawlib



Reproduced from electronic originals (may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1272

S.P. 393

In Senate, March 23, 2011

An Act To Create a Family Ombudsman in the Judicial Branch and the Department of Corrections

Reference to the Committee on Judiciary suggested and ordered printed.

Joseph G. Carleton Jr.
JOSEPH G. CARLETON, JR.

Secretary of the Senate

Presented by Senator HOBBINS of York.

Cosponsored by Senator: GERZOFSKY of Cumberland, Representatives: DRISCOLL of Westbrook, FITTS of Pittsfield, McKANE of Newcastle.

amended to read: C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator-; and Sec. 3. 4 MRSA §17, sub-§18 is enacted to read: 18. Appoint a family ombudsman. Appoint a member of Judicial Department personnel as a family ombudsman, referred to in this section as "the ombudsman," to serve as an intermediary between the court system and the accused and their families. The ombudsman shall: A. Respond to requests for information and assistance from the accused and their families; B. Subject to other provisions of law governing its availability, provide information requested by the accused and their families when information cannot be or is not provided by court personnel or judges; C. Serve as an intermediary between the accused and court personnel, and between family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel; D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and		
Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Judicial Department. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each trip; and Sec. 2. 4 MRSA §17, sub-§17, ¶C, as enacted by PL 1993, c. 675, Pt. C, §9, is amended to read: C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator-; and Sec. 3. 4 MRSA §17, sub-§18 is enacted to read: 18. Appoint a family ombudsman. Appoint a member of Judicial Department personnel as a family ombudsman, referred to in this section as "the ombudsman," to serve as an intermediary between the court system and the accused and their families. A. Respond to requests for information and assistance from the accused and their families. B. Subject to other provisions of law governing its availability, provide information requested by the accused and their families when information cannot be or is not provided by court personnel or judges; C. Serve as an intermediary between the accused and court personnel, and between family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel: D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and E. Perform the duties of ombudsman in an unbiased manner. Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman		
amended to read: C. The statement on proposed legislation prepared by the State Court Administrator must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator-; and Sec. 3. 4 MRSA §17, sub-§18 is enacted to read: 18. Appoint a family ombudsman. Appoint a member of Judicial Department personnel as a family ombudsman, referred to in this section as "the ombudsman," to serve as an intermediary between the court system and the accused and their families. The ombudsman shall: A. Respond to requests for information and assistance from the accused and their families; B. Subject to other provisions of law governing its availability, provide information requested by the accused and their families when information cannot be or is not provided by court personnel or judges; C. Serve as an intermediary between the accused and court personnel, and between family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel; D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and E. Perform the duties of ombudsman in an unbiased manner. Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	5 6 7 8	Legislature having jurisdiction over appropriations and financial affairs a quarterly report on out-of-state travel activity of the Judicial Department. The report must be submitted within 15 days after the end of each quarter and must include, for each individual who has been authorized to travel, the destination, purpose and cost by funding source of each
must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact on the judicial system, as determined by the State Court Administrator-; and Sec. 3. 4 MRSA §17, sub-§18 is enacted to read: 18. Appoint a family ombudsman. Appoint a member of Judicial Department personnel as a family ombudsman, referred to in this section as "the ombudsman," to serve as an intermediary between the court system and the accused and their families. The ombudsman shall: A. Respond to requests for information and assistance from the accused and their families; B. Subject to other provisions of law governing its availability, provide information requested by the accused and their families when information cannot be or is not provided by court personnel or judges; C. Serve as an intermediary between the accused and court personnel, and between family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel; D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and E. Perform the duties of ombudsman in an unbiased manner. Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	10 11	the state of the s
18. Appoint a family ombudsman. Appoint a member of Judicial Department personnel as a family ombudsman, referred to in this section as "the ombudsman," to serve as an intermediary between the court system and the accused and their families. The ombudsman shall: A. Respond to requests for information and assistance from the accused and their families; B. Subject to other provisions of law governing its availability, provide information requested by the accused and their families when information cannot be or is not provided by court personnel or judges; C. Serve as an intermediary between the accused and court personnel, and between family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel; D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and E. Perform the duties of ombudsman in an unbiased manner. Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	12 13 14 15	must be considered in the preparation of the fiscal note included in a committee amendment or other amendment if the legislation or amendment has a fiscal impact
personnel as a family ombudsman, referred to in this section as "the ombudsman," to serve as an intermediary between the court system and the accused and their families. A. Respond to requests for information and assistance from the accused and their families; B. Subject to other provisions of law governing its availability, provide information requested by the accused and their families when information cannot be or is not provided by court personnel or judges; C. Serve as an intermediary between the accused and court personnel, and between family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel; D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and E. Perform the duties of ombudsman in an unbiased manner. Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	16	Sec. 3. 4 MRSA §17, sub-§18 is enacted to read:
B. Subject to other provisions of law governing its availability, provide information requested by the accused and their families when information cannot be or is not provided by court personnel or judges; C. Serve as an intermediary between the accused and court personnel, and between family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel; D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and E. Perform the duties of ombudsman in an unbiased manner. Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	17 18 19 20	personnel as a family ombudsman, referred to in this section as "the ombudsman," to serve as an intermediary between the court system and the accused and their families.
requested by the accused and their families when information cannot be or is not provided by court personnel or judges; C. Serve as an intermediary between the accused and court personnel, and between family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel; D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and E. Perform the duties of ombudsman in an unbiased manner. Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	21 22	
family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that cannot be resolved with court personnel; D. Establish a volunteer program under which volunteers are selected by the ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and E. Perform the duties of ombudsman in an unbiased manner. Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	23 24 25	requested by the accused and their families when information cannot be or is not
ombudsman to assist the ombudsman in carrying out the responsibilities under this subsection; and E. Perform the duties of ombudsman in an unbiased manner. Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	26 27 28 29	family members of the accused and court personnel and judges, with respect to complaints and information requests affecting the family members of the accused that
Sec. 4. 34-A MRSA §1214-A is enacted to read: §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	30 31 32	ombudsman to assist the ombudsman in carrying out the responsibilities under this
 §1214-A. Family ombudsman 1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between 	33	E. Perform the duties of ombudsman in an unbiased manner.
1. Establishment. The position of the family ombudsman is established within the department to act as an intermediary between prisoners and their families, and between	34	Sec. 4. 34-A MRSA §1214-A is enacted to read:
department to act as an intermediary between prisoners and their families, and between	35	§1214-A. Family ombudsman
	37	department to act as an intermediary between prisoners and their families, and between

Be it enacted by the People of the State of Maine as follows:

1

1 2	2. Appointment. The commissioner shall appoint the family ombudsman, referred to in this section as "the ombudsman," as provided in section 1403, subsection 2.
3 4	3. Duties. The ombudsman shall respond to requests for information and assistance from prisoners and their families and shall:
5 6 7	A. Subject to other provisions of law governing its availability, provide information requested by prisoners and their families when the information cannot be or is not provided by prison officials;
8 9 10 11	B. Serve as an intermediary between prisoners and prison officials, and between the families of prisoners and prison officials, with respect to complaints and information requests affecting those families or prisoners that cannot be resolved with prison officials;
12	C. Act as an information source regarding the rights of prisoners and their families;
13 14 15	D. Immediately report to the commissioner or an associate commissioner when a prisoner or the family of a prisoner reports abuse or neglect of the prisoner resulting in harm to the prisoner.
16	The ombudsman shall perform the duties of the position in an unbiased manner.
17 18	4. Volunteer program. The ombudsman shall establish a volunteer program and shall select volunteers to assist in carrying out the responsibilities under this section.
19	Sec. 5. 34-A MRSA §1403, sub-§2, ¶D is enacted to read:
20 21	D. The commissioner shall appoint a member of department personnel as the family ombudsman to perform the duties set forth in section 1214-A.
22	SUMMARY
23 24	This bill creates a family ombudsman in both the court system and the Department of Corrections. The bill:
25 26 27	1. Directs the State Court Administrator to appoint a member of court system personnel as the family ombudsman for the court system to act as an intermediary between the accused and their families and court officials; and
28 29 30	2. Directs the Commissioner of Corrections to appoint a member of the department as the family ombudsman for the corrections system to act as an intermediary among prisoners, their families and the Department of Corrections.